

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: INDIANAPOLIS LIFE INSURANCE  
COMPANY I.R.S. § 412(I) AND § 419 PLANS LIFE  
INSURANCE MARKETING LITIGATION**

Khalid Sawaged, et al. v. Indianapolis Life Insurance Co., et al.,     )  
D. New Jersey, C.A. No. 2:09-5422     )     MDL No. 1983

**TRANSFER ORDER**

**Before the entire Panel**<sup>\*</sup>: Plaintiffs in this New Jersey action (*Sawaged*) move pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), asking the Panel to vacate its order conditionally transferring the action to the Northern District of Texas for inclusion in MDL No. 1983. Responding defendant Indianapolis Life Insurance Co. (Indianapolis Life) opposes the motion.

After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to the Northern District of Texas, notwithstanding any questions of fact unique to *Sawaged*. Transfer of this action for inclusion in MDL No. 1983 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for reasons that we set out in our previous orders directing centralization in this docket. In those orders, we held that the Northern District of Texas was a proper Section 1407 forum for actions involving claims relating to the design, marketing and sale of Indianapolis Life whole life insurance policies to fund § 412(i) and § 419 employee benefit plans. *See In re Indianapolis Life Insurance Company I.R.S. § 412(i) Plans Life Insurance Marketing Litigation*, 581 F.Supp.2d 1364 (J.P.M.L. 2008); *In re Indianapolis Life Insurance Company I.R.S. § 412(i) Plans Life Insurance Marketing Litigation*, MDL No. 1983 (J.P.M.L. Aug. 10, 2009).

The parties can present their motions for remand to state court and to dismiss to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

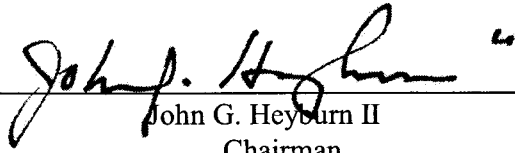
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<sup>\*</sup> Judges Miller, Hansen and Trager took no part in the disposition of this matter.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable Jane J. Boyle for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION

  
\_\_\_\_\_  
John G. Heyburn II  
Chairman

Robert L. Miller, Jr.\*  
David R. Hansen \*  
Frank C. Damrell, Jr.

Kathryn H. Vratil  
W. Royal Furgeson, Jr.  
David G. Trager\*